IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2273 of 2007()

CMP.1779/2007 of J.M.F.C.-I,NEDUMANGAD

.....

(C.R.No.92/2005 OF NEDUMANGAD EXCISE RANGE)

.....

PETITIONER/ACCUSED No.2:

ANILKUMAR @ KOCHAPPI,KOODALI BHAGOM,
PANAYARAKUZHI,KOKKOTTELA,
KOTTAKKAKAM MURI,ARYANAD VILLAGE, NEDUMANGAD.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENT/COMPLAINANT:

THE EXCISE INSPECTOR , NEDUMANGAD,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, ALONG WITH B.A.No.2275/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application Nos. 2273/2007 & 2275/2007

Dated this 13th day of April, 2007

O R D E R

The common petitioner in these two applications for regular bail is the third accused in C.R.No.143/2006 of Nedumangad Excise Range for offences punishable under Sections 8(2) and 55(g) of the Abkari Act for allegedly having been found in possession of 30 litres of illicit arrack on 21.12.2006 and the 2nd accused in C.R.No.92/2005 of the very same Excise Range for offences punishable under Section 55(g) and 64-A of the Abkari Act for allegedly having been found in possession of 1800 litres of wash on 25.11.2005.

2. The learned Public Prosecutor opposed the applications.

3. This Court had earlier dismissed the applications filed by the petitioner observing inter alia that it was too early to accept his contention that at the time of the alleged occurrence in C.R.No.143/2006, he was actually receiving the judgment of acquittal in S.C.587/2002 from the Assistant Sessions Court, Nedumangad, and that he had nothing to do with the recovery of wash in C.R.No.92/2005.

4. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Section 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

These Applications are accordingly dismissed.

V.RAMKUMAR,
JUDGE

mrcs